IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition 8549 of 2005

Sharad L Sutar ..Petitioner

vs

Rangnath G Bhosale and ors..Respondents

Mr. S.M.Oak for petitioner
Mr R.S.Sawant for respondent no.l

CORAM: S.U.KAMDAR J.

Dated 2l.l2.2005

P.C:

. The present petition is challenging the order dated 6.l2.2005 passed in Civil Misc Application no.67 of 2005 by which order the delay condonation application in filing first appeal has been rejected. There is delay of l5 months and the ground given is that one of the partner who was conversant with the facts of the case was transferred to Pune and thus could not be able to attend to the matter punctually and thus there is exparte decree for non appearance.The appeal is also sought to be dismissed on the ground of delay since delay is not condoned by the appeal court. Looking to the ground made out in the application I am of the opinion that this is a fit case where delay can be condoned. In the circumstances of the case order dated 6.l2.2005 is quashed and set

aside. Misc Civil Application no. 67 seeking condonation of delay is granted. The matter is remitted back to the appellate authority for hearing the appeal on merits and dispose of expeditiously preferably within a period of 3 months from today.

. In the facts and circumstances of the case petitioner is directed to pay cost quantified at Rs.5000 to the respondent no.l. Cost to be paid within two weeks, failing which petition to stand dismissed.